

Title 63I. Oversight

Chapter 1 Legislative Oversight and Sunset Act

Part 1 General Provisions

63I-1-101 Title.

- (1) This title is known as "Oversight."
- (2) This chapter is known as the "Legislative Oversight and Sunset Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-102 Agency defined -- Periodic termination of statutes and agencies -- Legislative review.

- (1) As used in this chapter, "agency" means any state authority, board, commission, department, division, office, or other agency, and the statute that established it.
- (2) The Legislature finds that the state should not regulate any area unless the regulation is necessary to protect the health, safety, and welfare of the public.
- (3) In order to make state government more productive and responsive to the people, it is necessary to place many of the statutes and agencies of state government under Part 2, Repeal Dates Requiring Committee Review by Title, on a reauthorization schedule. Any statute or agency scheduled for termination under this chapter is terminated unless the Legislature through affirmative act reauthorizes its existence. The continued existence of a statute or agency subject to this chapter may not be reauthorized for a period of more than 10 years.
- (4) It is the purpose of this chapter to terminate any statute or agency that is not meeting a clear public purpose, and to improve the ability of state government to meet and fulfill legitimate public purposes.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-103 Guidelines for conduct of review.

- (1)
 - (a) Any statute or agency scheduled for termination may be reviewed by an interim committee at the direction of:
 - (i) Legislative Management Committee;
 - (ii) the chairs of an interim committee; or
 - (iii) an interim committee as approved by motion and majority vote of its membership.
 - (b) The review shall begin not later than one year before scheduled termination and end before January 1 of the year in which termination is scheduled.
- (2) In determining whether to reauthorize the statute or agency, the agency overseeing the statute or agency scheduled for termination shall clearly identify for the interim committee the public purpose and interest for which each statute or agency was originally created and clearly identify whether that public purpose and interest is still relevant.
- (3) The interim committee shall then consider:

- (a) the extent to which the statute or agency has operated in the public interest and any areas in which the statute or agency needs to improve its ability to operate in the public interest;
 - (b) the extent to which existing statutes interfere with or assist the legitimate functions of the statute or agency, and any other circumstances including budgetary, resource, and personnel matters that have a bearing on the capacity of the statute or agency to serve the public interest;
 - (c) the extent to which the public has been encouraged to participate in the adoption of the rules established in connection with the statute or agency;
 - (d) the extent to which the statute's provisions or agency's programs and services are duplicative of those offered by other statutes or state agencies;
 - (e) the extent to which the objectives of the statute or agency have been accomplished and their public benefit;
 - (f) the adverse effect on the public of termination of the statute or agency; and
 - (g) any other matter relevant to the review.
- (4) It is the responsibility of any agency scheduled for termination or any agency which has oversight responsibilities for a statute scheduled for termination to seek its reauthorization with the Legislature.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-104 Terminated authority -- Winding up of affairs.

Any agency terminated under this chapter may continue in existence, if necessary to wind up its affairs, until July 1 of the year next succeeding the year of termination.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-105 Reviewing committee -- Report of recommendations.

The reviewing committee shall submit a report of its recommendations, including proposed legislation and recommendations concerning the statute or agency, to the Legislature before January 1 of the year in which the agency is scheduled for termination.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-106 Legislative reauthorization of statute or agency.

If the Legislature determines that the public interest requires the continued existence of the statute or agency, it shall reauthorize the existence of the statute or agency in this chapter.

Renumbered and Amended by Chapter 382, 2008 General Session

Part 2

Repeal Dates Requiring Committee Review by Title

63I-1-209 Repeal dates, Title 9.

Amended by Chapter 117, 2014 General Session

63I-1-210 Repeal dates, Title 10.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-211 Repeal dates, Title 11.

Section 11-14-308 is repealed December 31, 2020.

Enacted by Chapter 1, 2011 Special Session 2

63I-1-213 Repeal dates, Title 13.

(1) Subsections 13-38a-102(3) and 13-38a-102(4) are repealed June 30, 2014.

(2) Sections 13-38a-301 and 13-38a-302 are repealed June 30, 2014.

Amended by Chapter 278, 2013 General Session

Amended by Chapter 421, 2013 General Session

63I-1-219 Repeal dates, Title 19.

(1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2019.

(2) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2019.

(3) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2019.

(4) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1, 2019.

(5) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July 1, 2020.

(6) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1, 2018.

(7) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2016.

(8) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2019.

(9) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2020.

(10) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1, 2017.

Amended by Chapter 43, 2014 General Session

63I-1-220 Repeal dates, Title 20A.

On January 1, 2017:

(1) Subsection 20A-1-102(54) is repealed.

(2) Subsection 20A-2-102.5(1) the language that states "20A-4-108, or" is repealed.

(3) Subsection 20A-2-201(3) the language that states "Except as provided in Subsection 20A-4-108(5)," is repealed.

(4) Subsection 20A-2-202(3)(a) the language that states "Except as provided in Subsection 20A-4-108(6)," is repealed.

(5) Subsection 20A-2-204(5)(a) the language that states "Except as provided in Subsection 20A-4-108(7)," is repealed.

(6) Subsection 20A-2-205(7)(a) the language that states "Except as provided in Subsection 20A-4-108(8)," is repealed.

(7) Subsection 20A-2-206(8)(b) the language that states "Except as provided in Subsection 20A-4-108(9)," is repealed.

(8) Subsection 20A-2-307(2)(a) is repealed.

(9) Subsection 20A-4-107(2)(b) the language that states "Except as provided in Subsection 20A-4-108(10)," is repealed.

- (10) Subsection 20A-4-107(3) the language that states "or if the voter is, in accordance with the pilot project, registered to vote under Subsection 20A-4-108(10)," is repealed.
- (11) Subsection 20A-4-107(4) the language that states "Except as provided in Subsection 20A-4-108(12)," is repealed.
- (12) Section 20A-4-108 is repealed.

Amended by Chapter 231, 2014 General Session

63I-1-223 Repeal dates, Title 23.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-226 Repeal dates, Title 26.

- (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2015.
- (2) Section 26-10-11 is repealed July 1, 2015.
- (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July 1, 2013.
- (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is repealed July 1, 2018.
- (5) Section 26-21-211 is repealed July 1, 2013.
- (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.
- (8) Section 26-38-2.5 is repealed July 1, 2017.
- (9) Section 26-38-2.6 is repealed July 1, 2017.
- (10) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2016.

Amended by Chapter 25, 2014 General Session

Amended by Chapter 118, 2014 General Session

63I-1-230 Repeal dates, Title 30.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-231 Repeal dates, Title 31A.

- (1) Section 31A-2-208.5, Comparison tables, is repealed July 1, 2015.
- (2) Section 31A-2-217, Coordination with other states, is repealed July 1, 2023.
- (3) Section 31A-22-619.6, Coordination of benefits with workers' compensation claim--Health insurer's duty to pay, is repealed on July 1, 2018.
- (4) Title 31A, Chapter 29, Comprehensive Health Insurance Pool Act, is repealed July 1, 2015.
- (5) Section 31A-22-642, Insurance coverage for autism spectrum disorder, is repealed on January 1, 2019.

Amended by Chapter 379, 2014 General Session

Amended by Chapter 425, 2014 General Session

Amended by Chapter 425, 2014 General Session

63I-1-232 Repeal dates, Title 32A.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-234 Repeal dates, Titles 34 and 34A.

- (1) Title 34, Chapter 47, Worker Classification Coordinated Enforcement Act, is repealed July 1, 2016.
- (2) Section 34A-2-202.5 is repealed December 31, 2020.
- (3) Section 34A-2-705 and Subsection 59-9-101(2)(c)(iv) are repealed July 1, 2018.
- (4) Section 34A-2-213, Coordination of benefits with health benefit plan -- Timely payment of claims, is repealed July 1, 2018.

Amended by Chapter 286, 2014 General Session

63I-1-235 Repeal dates, Title 35A.

- (1) Title 35A, Utah Workforce Services Code, is repealed July 1, 2015.
- (2) Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act, is repealed July 1, 2016.
- (3) Title 35A, Chapter 8, Part 18, Transitional Housing and Community Development Advisory Council, is repealed July 1, 2014.
- (4) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed July 1, 2016.

Amended by Chapter 127, 2014 General Session

63I-1-236 Repeal dates, Title 36.

- (1) Section 36-12-20 is repealed June 30, 2018.
- (2) Sections 36-26-101 through 36-26-104 are repealed December 31, 2017.

Amended by Chapter 288, 2013 General Session

63I-1-238 Repeal dates, Title 38.

Amended by Chapter 148, 2008 General Session
Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-241 Repeal dates, Title 41.

Amended by Chapter 319, 2010 General Session

63I-1-253 Repeal dates, Titles 53, 53A, and 53B.

The following provisions are repealed on the following dates:

- (1) Section 53-3-232, Conditional license, is repealed July 1, 2015.
- (2) Subsection 53-10-202(18) is repealed July 1, 2018.
- (3) Section 53-10-202.1 is repealed July 1, 2018.
- (4) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is repealed July 1, 2020.
- (5) Title 53A, Chapter 11, Part 15, School Safety Tip Line, is repealed July 1, 2015.
- (6) The State Instructional Materials Commission, created in Section 53A-14-101, is repealed July 1, 2016.
- (7) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.
- (8) Section 53A-16-114 is repealed December 31, 2016.

- (9) Section 53A-17a-163, Performance-based Compensation Pilot Program is repealed July 1, 2016.
- (10) Section 53B-24-402, Rural residency training program, is repealed July 1, 2015.
- (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells, other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

Amended by Chapter 189, 2014 General Session

Amended by Chapter 226, 2014 General Session

Amended by Chapter 412, 2014 General Session

63I-1-254 Repeal dates -- Title 54.

The language of Subsection 54-4-13.4(1)(a)(ii) after "do not exceed \$5,000,000 in any calendar year" is repealed July 1, 2018.

Amended by Chapter 311, 2013 General Session

63I-1-257 Repeal dates, Title 57.

Subsections 57-1-25(1)(c), (3)(b), and (4) are repealed December 31, 2016.

Amended by Chapter 177, 2014 General Session

63I-1-258 Repeal dates, Title 58.

- (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2016.
- (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.
- (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.
- (4) Section 58-37-4.3 is repealed July 1, 2016.
- (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.
- (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2019.
- (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.
- (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.
- (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.
- (10) Section 58-69-302.5 is repealed on July 1, 2015.
- (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

Amended by Chapter 25, 2014 General Session

Amended by Chapter 72, 2014 General Session

Amended by Chapter 181, 2014 General Session

63I-1-259 Repeal dates, Title 59.

- (1) Subsection 59-2-924(3)(g) is repealed on December 31, 2016.
- (2) Section 59-2-924.3 is repealed on December 31, 2016.
- (3) Section 59-9-102.5 is repealed December 31, 2020.

Amended by Chapter 54, 2014 General Session

63I-1-261 Repeal dates, Title 61.

Amended by Chapter 199, 2011 General Session

63I-1-262 Repeal dates, Title 62A.

- (1) Section 62A-2-120.5, Pilot program for expedited background check of a qualified human services applicant, is repealed July 1, 2017.
- (2) Subsection 62A-15-1101(5) is repealed July 1, 2018.

Amended by Chapter 226, 2014 General Session

63I-1-263 Repeal dates, Titles 63A to 63M.

- (1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to any public school district which chooses to participate, is repealed July 1, 2016.
- (2) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.
- (3) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2016.
- (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2018.
- (5) Title 63C, Chapter 14, Federal Funds Commission, is repealed July 1, 2018.
- (6) Title 63C, Chapter 15, Prison Relocation Commission, is repealed July 1, 2017.
- (7) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a contract for a design-build transportation project in certain circumstances, is repealed July 1, 2015.
- (8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.
- (9) The Resource Development Coordinating Committee, created in Section 63J-4-501, is repealed July 1, 2015.
- (10) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.
- (11)
 - (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is repealed January 1, 2021.
 - (b) Subject to Subsection (11)(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2021.
 - (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:
 - (i) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or
 - (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if the expenditure is made on or after January 1, 2021.
 - (d) Notwithstanding Subsections (11)(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:
 - (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and
 - (ii)
 - (A) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31, 2020; or
 - (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the expenditure is made on or before December 31, 2020.
- (12) Section 63M-1-3412 is repealed on July 1, 2021.
- (13)
 - (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.
 - (b)

- (i) The Legislature shall, before reauthorizing the Health Care Compact:
 - (A) direct the Health System Reform Task Force to evaluate the issues listed in Subsection (13)(b)(ii), and by January 1, 2013, develop and recommend criteria for the Legislature to use to negotiate the terms of the Health Care Compact; and
 - (B) prior to July 1, 2014, seek amendments to the Health Care Compact among the member states that the Legislature determines are appropriate after considering the recommendations of the Health System Reform Task Force.
- (ii) The Health System Reform Task Force shall evaluate and develop criteria for the Legislature regarding:
 - (A) the impact of the Supreme Court ruling on the Affordable Care Act;
 - (B) whether Utah is likely to be required to implement any part of the Affordable Care Act prior to negotiating the compact with the federal government, such as Medicaid expansion in 2014;
 - (C) whether the compact's current funding formula, based on adjusted 2010 state expenditures, is the best formula for Utah and other state compact members to use for establishing the block grants from the federal government;
 - (D) whether the compact's calculation of current year inflation adjustment factor, without consideration of the regional medical inflation rate in the current year, is adequate to protect the state from increased costs associated with administering a state based Medicaid and a state based Medicare program;
 - (E) whether the state has the flexibility it needs under the compact to implement and fund state based initiatives, or whether the compact requires uniformity across member states that does not benefit Utah;
 - (F) whether the state has the option under the compact to refuse to take over the federal Medicare program;
 - (G) whether a state based Medicare program would provide better benefits to the elderly and disabled citizens of the state than a federally run Medicare program;
 - (H) whether the state has the infrastructure necessary to implement and administer a better state based Medicare program;
 - (I) whether the compact appropriately delegates policy decisions between the legislative and executive branches of government regarding the development and implementation of the compact with other states and the federal government; and
 - (J) the impact on public health activities, including communicable disease surveillance and epidemiology.
- (14)
 - (a) Title 63M, Chapter 1, Part 35, Utah Small Business Jobs Act, is repealed January 1, 2021.
 - (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.
 - (c) Notwithstanding Subsection (14)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:
 - (i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and
 - (ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63M-1-3503 on or before December 31, 2023.
- (15) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2017.
- (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.

Amended by Chapter 113, 2014 General Session
Amended by Chapter 189, 2014 General Session
Amended by Chapter 195, 2014 General Session
Amended by Chapter 211, 2014 General Session
Amended by Chapter 419, 2014 General Session
Amended by Chapter 429, 2014 General Session
Amended by Chapter 435, 2014 General Session

63I-1-267 Repeal dates, Title 67.

- (1) Section 67-1-15 is repealed December 31, 2017.
- (2) Sections 67-1a-10 and 67-1a-11 creating the Commission on Civic and Character Education and establishing its duties are repealed on July 1, 2021.

Amended by Chapter 319, 2010 General Session

63I-1-269 Repeal dates, Title 69.

Section 69-2-5.6, Emergency services telecommunications charge to fund unified statewide 911 emergency service, is repealed July 1, 2021.

Amended by Chapter 320, 2014 General Session

63I-1-272 Repeal dates, Title 72.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-273 Repeal dates, Title 73.

- (1) Title 73, Chapter 27, State Water Development Commission, is repealed December 31, 2018.
- (2) The instream flow water right for trout habitat established in Subsection 73-3-30(3) is repealed December 31, 2018.

Amended by Chapter 148, 2008 General Session
Amended by Chapter 311, 2008 General Session
Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-276 Repeal dates, Title 76.

Subsection 76-10-526(15) is repealed July 1, 2018.

Enacted by Chapter 226, 2014 General Session

63I-1-277 Repeal dates, Title 77.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-1-278 Repeal dates, Title 78A and Title 78B.

- (1) The Office of the Court Administrator, created in Section 78A-2-105, is repealed July 1, 2018.
- (2) Section 78B-3-421, regarding medical malpractice arbitration agreements, is repealed July 1, 2019.
- (3) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act is repealed July 1, 2016.

Amended by Chapter 247, 2014 General Session
Amended by Chapter 267, 2014 General Session

Chapter 2 Repeal Dates by Title Act

Part 1 General Provisions

63I-2-101 Title.

This chapter is known as the "Repeal Dates By Title Act."

Enacted by Chapter 382, 2008 General Session

63I-2-204 Repeal dates -- Title 4.

Amended by Chapter 369, 2012 General Session

Part 2 Repeal Dates by Title

63I-2-210 Repeal dates -- Title 10.

- (1) Section 10-2-130 is repealed July 1, 2016.
- (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

Amended by Chapter 405, 2014 General Session

63I-2-213 Repeal dates -- Title 13.

Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program start date, as defined in Section 63G-12-102.

Enacted by Chapter 18, 2011 General Session

63I-2-217 Repeal dates -- Title 17.

- (1) Subsection 17-8-7(2), the language that states "Sections 17-19-1 to 17-19-28 and" and ", as applicable," is repealed January 1, 2015.
- (2) Section 17-15-30 is repealed July 1, 2015.
- (3) Title 17, Chapter 19, County Auditor, is repealed January 1, 2015.
- (4) Subsection 17-24-1(4)(b), the language that states ", as applicable, Sections 17-19-1, 17-19-3, and 17-19-5 or" is repealed January 1, 2015.
- (5) Subsection 17-24-4(2), the language that states ", as applicable, Subsection 17-19-3(3)(b) or" is repealed January 1, 2015.
- (6)

- (a) Subsection 17-36-3(5)(a), the language that states "for a county of the second, third, fourth, fifth, or sixth class, the county auditor, county clerk, or county executive as provided in Subsection 17-19-19(1); or" is repealed January 1, 2015.
- (b) Subsection 17-36-3(5)(b), the language that states "for a county of the first class," is repealed January 1, 2015.
- (c) Subsection 17-36-3(7), the language that states "17-19-3," and ", or 17-24-4, as applicable" is repealed January 1, 2015.
- (7) Subsection 17-36-9(1)(a)(iii), the language that states "17-36-10.1, as applicable, or" is repealed January 1, 2015.
- (8) Subsection 17-36-10(1), the language that states the following is repealed January 1, 2015:
 - "(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and
 - (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section."
- (9) Section 17-36-10.1 is repealed January 1, 2015.
- (10) Subsection 17-36-11(1), the language that states the following is repealed January 1, 2015:
 - "(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and
 - (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section."
- (11) Section 17-36-11.1 is repealed January 1, 2015.
- (12) Subsection 17-36-15(1), the language that states the following is repealed January 1, 2015:
 - "(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and
 - (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section."
- (13) Section 17-36-15.1 is repealed January 1, 2015.
- (14) Subsection 17-36-20(1), the language that states the following is repealed January 1, 2015:
 - "(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and
 - (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section."
- (15) Section 17-36-20.1 is repealed January 1, 2015.
- (16) Subsection 17-36-32(4), the language that states "or 17-36-20.1, as applicable, and" is repealed January 1, 2015.
- (17) Subsection 17-36-43(1), the language that states the following is repealed January 1, 2015:
 - "(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and
 - (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section."
- (18) Section 17-36-43.1 is repealed January 1, 2015.
- (19) Section 17-36-44, the language that states "or 17-36-43.1, as applicable" is repealed January 1, 2015.
- (20) Subsection 17-50-401(1), the language that states the following is repealed January 1, 2015:
 - "(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and

(b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section."

(21) Section 17-50-401.1 is repealed January 1, 2015.

(22) Subsection 17-52-101(2), the language that states "or 17-52-401.1, as applicable" is repealed January 1, 2015.

(23) Subsection 17-52-401(1), the language that states the following is repealed January 1, 2015:

"(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and

(b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section."

(24) Section 17-52-401.1 is repealed January 1, 2015.

(25) Subsection 17-52-403(1)(a), the language that states "or 17-52-401.1(2)(c), as applicable" is repealed January 1, 2015.

(26) On January 1, 2015, when making the changes in this section, the Office of Legislative Research and General Counsel shall:

- (a) in addition to its authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent; and
- (b) identify the text of the affected sections and subsections based upon the section and subsection numbers used in Laws of Utah 2012, Chapter 17.

Amended by Chapter 189, 2014 General Session

Amended by Chapter 405, 2014 General Session

63I-2-219 Repeal dates -- Title 19.

(1) Section 19-6-405.3 is repealed July 1, 2014.

(2) Section 19-6-405.4 is repealed July 1, 2014.

Enacted by Chapter 227, 2014 General Session

63I-2-220 Repeal dates, Title 20A.

(1) Section 20A-3-704 is repealed January 1, 2016.

(2) Section 20A-5-410 is repealed January 1, 2016.

- (3)
 - (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and "; or" is repealed January 1, 2015.
 - (b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is repealed January 1, 2015.
- (4) Section 20A-9-403.1 is repealed on January 1, 2015.

Amended by Chapter 3, 2014 General Session

63I-2-223 Repeal dates -- Title 23.

Amended by Chapter 369, 2012 General Session

63I-2-226 Repeal dates -- Title 26.

Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2017.

Amended by Chapter 334, 2009 General Session

63I-2-231 Repeal dates, Title 31A.

(1) Section 31A-22-315.5 is repealed July 1, 2016.

(2) Title 31A, Chapter 42, Defined Contribution Risk Adjuster Act, is repealed July 1, 2015.

Amended by Chapter 341, 2013 General Session

Amended by Chapter 341, 2013 General Session

63I-2-232 Repeal dates -- Title 32A.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-2-234 Repeal dates -- Title 34A.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-2-236 Repeal dates -- Title 36.

(1) Section 36-12-15.1 is repealed July 1, 2015.

(2) Sections 36-28-101 through 36-28-104 are repealed July 1, 2019.

Amended by Chapter 150, 2014 General Session

Amended by Chapter 189, 2014 General Session

63I-2-248 Repeal dates -- Title 48.

(1) Title 48, Chapter 1, General and Limited Liability Partnerships, is repealed January 1, 2016.

(2) Title 48, Chapter 2a, Utah Revised Uniform Limited Partnership Act, is repealed January 1, 2016.

(3) Title 48, Chapter 2c, Utah Revised Limited Liability Company Act, is repealed January 1, 2016.

Enacted by Chapter 412, 2013 General Session

63I-2-253 Repeal dates -- Titles 53, 53A, and 53B.

(1) Section 53A-1-402.7 is repealed July 1, 2014.

(2) Section 53A-1-403.5 is repealed July 1, 2017.

(3) Subsection 53A-1-410(5) is repealed July 1, 2015.

(4) Section 53A-1-411 is repealed July 1, 2016.

(5) Section 53A-1a-513.5 is repealed July 1, 2017.

(6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

(7) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is repealed July 1, 2017.

(8) Section 53A-17a-169 is repealed July 1, 2017.

Amended by Chapter 102, 2014 General Session

Amended by Chapter 189, 2014 General Session
Amended by Chapter 372, 2014 General Session
Amended by Chapter 393, 2014 General Session

63I-2-254 Repeal dates -- Title 54.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-2-258 Repeal dates -- Title 58.

- (1) Subsection 58-72-201(1)(b) is repealed July 1, 2014.
- (2) Subsection 58-17b-605.5(8) is repealed on May 15, 2015.

Amended by Chapter 423, 2013 General Session

63I-2-259 Repeal dates -- Title 59.

- (1) Subsection 59-2-919(10) is repealed December 31, 2015.
- (2) Subsection 59-2-919.1(4) is repealed December 31, 2015.

Amended by Chapter 256, 2014 General Session

63I-2-261 Repeal dates -- Title 61.

Amended by Chapter 278, 2013 General Session

63I-2-262 Repeal dates, Title 62A.

Section 62A-4a-122 is repealed January 1, 2014.

Enacted by Chapter 281, 2012 General Session

63I-2-263 Repeal dates, Title 63A to Title 63M.

- (1) Section 63A-1-115 is repealed on July 1, 2014.
- (2) Section 63C-9-501.1 is repealed on July 1, 2015.
- (3) Subsection 63J-1-218(3) is repealed on December 1, 2013.
- (4) Subsection 63J-1-218(4) is repealed on December 1, 2013.
- (5) Section 63M-1-207 is repealed on December 1, 2014.
- (6) Subsection 63M-1-903(1)(d) is repealed on July 1, 2015.
- (7) Subsection 63M-1-1406(9) is repealed on January 1, 2015.

Amended by Chapter 172, 2014 General Session
Amended by Chapter 423, 2014 General Session
Amended by Chapter 427, 2014 General Session

63I-2-264 Repeal dates -- Title 64.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-2-265 Repeal dates -- Title 65A.

Amended by Chapter 313, 2014 General Session

63I-2-267 Repeal dates -- Title 67.

Amended by Chapter 278, 2013 General Session

63I-2-272 Repeal dates -- Title 72.

Section 72-3-113 is repealed January 1, 2020.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-2-276 Repeal dates -- Title 76.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-2-277 Repeal dates, Title 77.

Subsection 77-32-304.5(2)(d)(i), the language that states "or 17-50-401.1, as applicable" is repealed January 1, 2015.

Amended by Chapter 189, 2014 General Session

63I-2-278 Repeal dates, Title 78A and Title 78B.

(1) Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, is repealed January 1, 2017.

(2) Subsections 78B-5-618(4) and (5) are repealed January 1, 2016.

Amended by Chapter 128, 2012 General Session

Chapter 3 Constitutional Revision Commission Act

Part 1 General Provisions

63I-3-101 Title.

This chapter is known as the "Constitutional Revision Commission Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63I-3-102 Definitions.

As used in this chapter, "commission" means the Utah Constitutional Revision Commission created under Section 63I-3-201.

Renumbered and Amended by Chapter 382, 2008 General Session

Part 2

Commission and Duties

63I-3-201 Creation -- Members -- Appointment -- Qualifications -- Term of office -- Maximum length of service.

- (1) There is created a state commission to be known as the Utah Constitutional Revision Commission, composed of 15 members.
- (2)
 - (a) The speaker of the House of Representatives shall appoint three members from the House of Representatives, not more than two of whom may be from the same political party.
 - (b) The president of the Senate shall appoint three members from the Senate, not more than two of whom may be from the same political party.
 - (c) The governor shall appoint three members, not more than two of whom may be from the same political party.
- (3)
 - (a) The nine members appointed under Subsection (2) shall select six additional members.
 - (b) In selecting the six additional members, consideration shall be given to achieving representation from the major geographical areas of the state and to achieving as closely as possible equal bipartisan representation.
- (4) The term for each commission member shall be six years.
- (5) A commission member may not serve on the commission more than 12 consecutive years.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-3-202 Vacancies -- Person filling a vacancy begins serving new term.

- (1) If a member appointed by the speaker of the House resigns, is unable to serve, or is no longer a member of the House of Representatives, the vacancy shall be filled by the speaker of the House, as provided in Subsection 63I-3-201(2)(a).
- (2) If a member appointed by the president of the Senate resigns, is unable to serve, or is no longer a member of the Senate, the vacancy shall be filled by the president of the Senate, as provided in Subsection 63I-3-201(2)(b).
- (3) If a member appointed by the governor resigns or is unable to serve, the vacancy shall be filled by the governor, as provided in Subsection 63I-3-201(2)(c).
- (4) If a member appointed by the nine commission members appointed under Subsection 63I-3-201(3) resigns or is unable to serve, the vacancy shall be filled by those nine commission members as provided in Subsection 63I-3-201(3).
- (5) A person appointed to fill a vacancy under this section does not serve the remaining unexpired term of the member that the person is replacing but begins serving a new term.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-3-203 Duties.

- (1) The commission shall advise the governor and the Legislature on proposals to amend the Utah Constitution, as requested by:
 - (a) the governor;
 - (b) the Legislature in a joint resolution of the Legislature; or
 - (c) the Legislative Management Committee.

(2) The commission shall select a chair and a vice chair from among its members.

Amended by Chapter 384, 2011 General Session

63I-3-204 The commission may invite testimony.

In performing its duties under Subsection 63I-3-203(1), the commission may invite testimony from the governor, state agencies, members of the Utah Legislature, and responsible members of the public.

Amended by Chapter 384, 2011 General Session

63I-3-205 Public hearings -- Purpose.

The commission may hold public hearings that it considers advisable and in locations within the state that it chooses in order to afford any interested person who is a citizen of this state an opportunity to appear and present views in respect to any subject relating to the work of the commission.

Renumbered and Amended by Chapter 382, 2008 General Session

63I-3-206 Per diem and travel expenses of members.

- (1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (2) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

63I-3-207 Appointment of staff.

The Office of Legislative Research and General Counsel shall, in consultation with the chair and vice chair, provide staffing for the commission.

Amended by Chapter 384, 2011 General Session

Chapter 4a

Free Market Protection and Privatization Board Act

Part 1

General Provisions

63I-4a-101 Title.

- (1) This chapter is known as the "Free Market Protection and Privatization Board Act."
- (2) This part is known as "General Provisions."

Renumbered and Amended by Chapter 325, 2013 General Session

63I-4a-102 Definitions.

- (1)
- (a) "Activity" means to provide a good or service.
 - (b) "Activity" includes to:
 - (i) manufacture a good or service;
 - (ii) process a good or service;
 - (iii) sell a good or service;
 - (iv) offer for sale a good or service;
 - (v) rent a good or service;
 - (vi) lease a good or service;
 - (vii) deliver a good or service;
 - (viii) distribute a good or service; or
 - (ix) advertise a good or service.
- (2)
- (a) Except as provided in Subsection (2)(b), "agency" means:
 - (i) the state; or
 - (ii) an entity of the state including a department, office, division, authority, commission, or board.
 - (b) "Agency" does not include:
 - (i) the Legislature;
 - (ii) an entity or agency of the Legislature;
 - (iii) the state auditor;
 - (iv) the state treasurer;
 - (v) the Office of the Attorney General;
 - (vi) the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;
 - (vii) the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science Center Authority;
 - (viii) the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber Valley Historic Railroad Authority;
 - (ix) the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah State Railroad Museum Authority;
 - (x) the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act;
 - (xi) the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair Corporation Act;
 - (xii) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers' Compensation Fund;
 - (xiii) the Utah State Retirement Office created in Title 49, Chapter 11, Utah State Retirement Systems Administration;
 - (xiv) a charter school chartered by the State Charter School Board or a board of trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;
 - (xv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b, Utah Schools for the Deaf and the Blind;
 - (xvi) an institution of higher education as defined in Section 53B-3-102;

- (xvii) the School and Institutional Trust Lands Administration created in Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
 - (xviii) the Utah Communications Authority created in Title 63H, Chapter 7, Utah Communications Authority Act; or
 - (xix) the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12, Utah Venture Capital Enhancement Act.
- (3) "Agency head" means the chief administrative officer of an agency.
 - (4) "Board" means the Free Market Protection and Privatization Board created in Section 63I-4a-202.
 - (5) "Commercial activity" means to engage in an activity that can be obtained in whole or in part from a private enterprise.
 - (6) "Local entity" means:
 - (a) a political subdivision of the state, including a:
 - (i) county;
 - (ii) city;
 - (iii) town;
 - (iv) local school district;
 - (v) local district; or
 - (vi) special service district;
 - (b) an agency of an entity described in this Subsection (6), including a department, office, division, authority, commission, or board; or
 - (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13, Interlocal Cooperation Act, between two or more entities described in this Subsection (6).
 - (7) "Private enterprise" means a person that engages in an activity for profit.
 - (8) "Privatize" means that an activity engaged in by an agency is transferred so that a private enterprise engages in the activity, including a transfer by:
 - (a) contract;
 - (b) transfer of property; or
 - (c) another arrangement.
 - (9) "Special district" means:
 - (a) a local district, as defined in Section 17B-1-102;
 - (b) a special service district, as defined in Section 17D-1-102; or
 - (c) a conservation district, as defined in Section 17D-3-102.

Amended by Chapter 320, 2014 General Session

Part 2

Free Market Protection and Privatization Board

63I-4a-201 Title.

This part is known as "Free Market Protection and Privatization Board."

Enacted by Chapter 325, 2013 General Session

63I-4a-202 Free Market Protection and Privatization Board -- Created -- Membership -- Operations -- Expenses.

- (1)
 - (a) There is created the Free Market Protection and Privatization Board composed of 17 members.
 - (b) The governor shall appoint board members as follows:
 - (i) two senators, one each from the majority and minority political parties, from names recommended by the president of the Senate;
 - (ii) two representatives, one each from the majority and minority political parties, from names recommended by the speaker of the House of Representatives;
 - (iii) two members representing public employees, from names recommended by the largest public employees' association;
 - (iv) one member from state management;
 - (v) seven members from the private business community;
 - (vi) one member representing the Utah League of Cities and Towns from names recommended by the Utah League of Cities and Towns;
 - (vii) one member representing the Utah Association of Counties from names recommended by the Utah Association of Counties; and
 - (viii) one member representing the Utah Association of Special Districts, from names recommended by the Utah Association of Special Districts.
- (2)
 - (a) Except as provided in Subsection (2)(b), a board member shall serve a two-year term.
 - (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every year.
- (3)
 - (a) A board member shall hold office until the board member's successor is appointed and qualified.
 - (b) When a vacancy occurs in the membership for any reason, a replacement shall be appointed for the unexpired term.
 - (c) Nine members of the board constitute a quorum.
 - (d) The vote of a majority of board members voting when a quorum is present is necessary for the board to act.
- (4)
 - (a) The board shall select one of the members to serve as chair of the board.
 - (b) A chair shall serve as chair for a term of one-year, and may be selected as chair for more than one term.
- (5) The Governor's Office of Management and Budget shall staff the board. The board may contract for additional staff from the private sector under Section 63I-4a-204.
- (6) The board shall meet:
 - (a) at least quarterly; and
 - (b) as necessary to conduct its business, as called by the chair.
- (7)
 - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 189, 2014 General Session
Amended by Chapter 387, 2014 General Session

63I-4a-203 Free Market Protection and Privatization Board -- Duties.

- (1) The board shall:
- (a) determine whether an activity provided by an agency could be privatized to provide the same types and quality of a good or service that would result in cost savings;
 - (b) review privatization of an activity at the request of:
 - (i) an agency; or
 - (ii) a private enterprise;
 - (c) review issues concerning agency competition with one or more private enterprises to determine:
 - (i) whether privatization:
 - (A) would be feasible;
 - (B) would result in cost savings; and
 - (C) would result in equal or better quality of a good or service; and
 - (ii) ways to eliminate any unfair competition with a private enterprise;
 - (d) recommend privatization to an agency if a proposed privatization is demonstrated to provide a more cost efficient and effective manner of providing a good or service, taking into account:
 - (i) the scope of providing the good or service;
 - (ii) whether cost savings will be realized;
 - (iii) whether quality will be improved;
 - (iv) the impact on risk management;
 - (v) the impact on timeliness;
 - (vi) the ability to accommodate fluctuating demand;
 - (vii) the ability to access outside expertise;
 - (viii) the impact on oversight;
 - (ix) the ability to develop sound policy and implement best practices; and
 - (x) legal and practical impediments to privatization;
 - (e) comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in making rules establishing privatization standards, procedures, and requirements;
 - (f) in fulfilling the duties described in this Subsection (1), consult with, maintain communication with, and access information from:
 - (i) other entities promoting privatization; and
 - (ii) managers and employees in the public sector;
 - (g) comply with Part 3, Commercial Activities Inventory and Review; and
 - (h)
 - (i) prepare an annual report for each calendar year that contains:
 - (A) information about the board's activities;
 - (B) recommendations on privatizing an activity provided by an agency; and
 - (C) the status of the inventory created under Part 3, Commercial Activities Inventory and Review;
 - (ii) submit the annual report to the Legislature and the governor by no later than January 15 immediately following the calendar year for which the report is made; and
 - (iii) submit, before November 1, an annual written report to the Government Operations Interim Committee.

- (2) The board may, using the criteria described in Subsection (1), consider whether to recommend privatization of an activity provided by an agency, a county, or a special district:
 - (a) on the board's own initiative;
 - (b) upon request by an agency, a county, or a special district;
 - (c) in response to a complaint that an agency, a county, or a special district is engaging in unfair competition with a private enterprise; or
 - (d) in light of a proposal made by any person, regardless of whether the proposal was solicited.
- (3) In addition to filing a copy of recommendations for privatization with an agency head, the board shall file a copy of its recommendations for privatization with:
 - (a) the governor's office; and
 - (b) the Office of Legislative Fiscal Analyst for submission to the relevant legislative appropriation subcommittee.
- (4)
 - (a) The board may appoint advisory groups to conduct studies, research, or analyses, and make reports and recommendations with respect to a matter within the jurisdiction of the board.
 - (b) At least one member of the board shall serve on each advisory group.
- (5)
 - (a) Subject to Subsection (5)(b), this chapter does not preclude an agency from privatizing the provision of a good or service independent of the board.
 - (b) If an agency privatizes the provision of a good or service, the agency shall include as part of the contract that privatizes the provision of the good or service that any contractor assumes all liability to provide the good or service.

Amended by Chapter 371, 2014 General Session

63I-4a-204 Staff support -- Assistance to an agency or local entity.

- (1) The board may, within funds appropriated by the Legislature for this purpose, issue a request for proposals to contract with a private sector person or entity to:
 - (a) provide staff support to the board;
 - (b) assist the board in conducting its duties, including completing the inventory described in Part 3, Commercial Activities Inventory and Review; and
 - (c) at the board's direction, assist an agency or a local entity to:
 - (i) develop a business case for potential privatization of an activity, using the criteria described in Subsection 63I-4a-203(1);
 - (ii) draft, issue, or evaluate a request for proposals to privatize an activity; or
 - (iii) award a contract to privatize an activity.
- (2) The private sector person described in Subsection (1):
 - (a) may not be an advocate for or against privatization; and
 - (b) shall be neutral on the issue of privatization.

Enacted by Chapter 325, 2013 General Session

63I-4a-205 Board accounting method.

The board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall establish an accounting method that:

- (1) is similar to generally accepted accounting principles used by a private enterprise;

- (2) allows an agency to identify the total actual cost of engaging in a commercial activity in a manner similar to how a private enterprise identifies the total actual cost to the private enterprise, including the following:
- (a) a labor expense, including:
 - (i) compensation and benefits;
 - (ii) a cost of training;
 - (iii) a cost of paying overtime;
 - (iv) a cost of supervising labor; or
 - (v) another personnel expense;
 - (b) an operating cost, including:
 - (i) vehicle maintenance and repair;
 - (ii) a marketing, advertising, or other sales expense;
 - (iii) an office expense;
 - (iv) a cost of an accounting operation, including billing;
 - (v) an insurance expense;
 - (vi) a real estate or equipment cost;
 - (vii) a debt service cost; or
 - (viii) a proportionate amount of other overhead or of a capital expense, such as vehicle depreciation and depreciation of other fixed assets;
 - (c) a contract management cost; and
 - (d) another cost particular to a person supplying the good or service; and
- (3) provides a process to estimate the taxes an agency would pay related to engaging in a commercial activity if the agency were required to pay federal, state, and local taxes to the same extent as a private enterprise engaging in the commercial activity.

Renumbered and Amended by Chapter 325, 2013 General Session

Part 3

Commercial Activities Inventory and Review

63I-4a-301 Title.

This part is known as "Commercial Activities Inventory and Review."

Enacted by Chapter 325, 2013 General Session

63I-4a-302 Board to create inventory.

At least every two years, the board shall compile and make available to the public, by electronic means, an updated inventory of activities of the agencies in the state to classify whether each activity is:

- (1) a commercial activity; or
- (2) an inherently governmental activity.

Renumbered and Amended by Chapter 325, 2013 General Session

63I-4a-303 Governor to require review of commercial activities.

The governor may:

- (1) select one or more commercial activities that are being performed by an agency for examination; and
- (2) require the Governor's Office of Management and Budget to conduct the examination and make the determinations and recommendations described in Subsections 63I-4a-203(1)(a), (c), and (d).

Amended by Chapter 310, 2013 General Session

Renumbered and Amended by Chapter 325, 2013 General Session

63I-4a-304 Duties of the Governor's Office of Management and Budget.

- (1) The Governor's Office of Management and Budget shall:
 - (a) determine the amount of an appropriation that is no longer needed by an executive branch agency because all or a portion of the agency's provision of a good or service is privatized; and
 - (b) adjust the governor's budget recommendations to reflect the amount determined under Subsection (1)(a).
- (2) The Governor's Office of Management and Budget shall report its findings to the Legislature.
- (3) This section does not prevent the governor from recommending in a budget recommendation the restoration of a portion of the appropriation to an agency that is reduced under this section.

Renumbered and Amended by Chapter 325, 2013 General Session

Part 4
Miscellaneous Provisions

63I-4a-401 Title.

This part is known as "Miscellaneous Provisions."

Enacted by Chapter 325, 2013 General Session

63I-4a-402 Government immunity.

- (1) This chapter or the inclusion of an activity on an inventory made under this chapter may not be construed as a waiver of any right, claim, or defense of immunity that an agency may have under Title 63G, Chapter 7, Governmental Immunity Act of Utah, or other law.
- (2) The inclusion in an inventory of an activity as a commercial activity for purposes of this chapter may not be construed to find that the activity does not constitute an exercise of a governmental function.

Renumbered and Amended by Chapter 325, 2013 General Session

Chapter 5
Utah Internal Audit Act

Part 1

General Provisions

63I-5-101 Title.

This chapter is known as the "Utah Internal Audit Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63I-5-102 Definitions.

As used in this chapter:

- (1) "Agency governing board" is any board or commission that has policy making and oversight responsibility over the agency, including the authority to appoint and remove the agency director.
- (2) "Agency head" means a cabinet officer, an elected official, an executive director, or a board or commission vested with responsibility to administer or make policy for a state agency.
- (3) "Agency internal audit director" or "audit director" means the person who:
 - (a) directs the internal audit program for the state agency; and
 - (b) is appointed by the audit committee or, if no audit committee has been established, by the agency head.
- (4) "Appointing authority" means:
 - (a) the governor, for state agencies other than the State Tax Commission;
 - (b) the Judicial Council, for judicial branch agencies;
 - (c) the Board of Regents, for higher education entities;
 - (d) the State Board of Education, for the State Office of Education; and
 - (e) the four tax commissioners, for the State Tax Commission.
- (5) "Audit committee" means a standing committee composed of members who:
 - (a) are appointed by an appointing authority;
 - (b)
 - (i) do not have administrative responsibilities within the agency; and
 - (ii) are not an agency contractor or other service provider; and
 - (c) have the expertise to provide effective oversight of and advice about internal audit activities and services.
- (6) "Audit plan" means a prioritized list of audits to be performed by an internal audit program within a specified period of time.
- (7) "Higher education entity" means the board of regents, the institutional councils of each higher education institution, and each higher education institution.
- (8) "Internal audit" means an independent appraisal activity established within a state agency as a control system to examine and evaluate the adequacy and effectiveness of other internal control systems within the agency.
- (9) "Internal audit program" means an audit function that:
 - (a) is conducted by an agency, division, bureau, or office, independent of the agency, division, bureau, or office operations;
 - (b) objectively evaluates the effectiveness of agency, division, bureau, or office governance, risk management, internal controls, and the efficiency of operations; and
 - (c) is conducted in accordance with the current:
 - (i) International Standards for the Professional Practice of Internal Auditing; or
 - (ii) The Government Auditing Standards, issued by the Comptroller General of the United States.

(10) "Judicial branch agency" means each administrative entity of the judicial branch.

(11)

(a) "State agency" means:

- (i) each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state; and
- (ii) each state public education entity.

(b) "State agency" does not mean:

- (i) a legislative branch agency;
- (ii) an independent state agency as defined in Section 63E-1-102;
- (iii) a county, municipality, school district, local district, or special service district; or
- (iv) any administrative subdivision of a county, municipality, school district, local district, or special service district.

Amended by Chapter 433, 2014 General Session

Part 2

Internal Auditing Programs

63I-5-201 Internal auditing programs -- State agencies.

(1)

- (a) The departments of Administrative Services, Agriculture, Commerce, Heritage and Arts, Corrections, Workforce Services, Environmental Quality, Health, Human Services, Natural Resources, Public Safety, and Transportation, and the State Tax Commission shall conduct various types of auditing procedures as determined by the agency head or governor.
- (b) The governor may, by executive order, require a state agency not described in Subsection (1) (a) to establish an internal audit program.
- (c) The governor shall ensure that each state agency that reports to the governor has adequate internal audit coverage.

(2)

- (a) The Office of the Court Administrator shall establish an internal audit program under the direction of the Judicial Council, including auditing procedures for courts not of record.
- (b) The Judicial Council may, by rule, require other judicial agencies to establish an internal audit program.

(3)

- (a) Dixie State University, the University of Utah, Utah State University, Salt Lake Community College, Southern Utah University, Utah Valley University, Weber State University, and Snow College shall establish an internal audit program under the direction of the Board of Regents.
- (b) The State Board of Regents may issue policies requiring other higher education entities or programs to establish an internal audit program.

(4) The State Office of Education shall establish under the direction of the State Board of Education an internal audit program that provides internal audit services for each program administered by the State Office of Education.

(5) Subject to Section 32B-2-302.5, the internal audit division of the Department of Alcoholic Beverage Control shall establish an internal audit program under the direction of the Alcoholic Beverage Control Commission.

Repealed and Re-enacted by Chapter 433, 2014 General Session

Part 3

Audit Committee

631-5-301 Audit committee -- Powers and duties.

- (1)
 - (a) Each appointing authority may establish an audit committee to monitor the activities of the agency internal audit program.
 - (b) An audit committee may serve more than one state agency internal audit program.
- (2) The appointing authority shall ensure that audit committee members have the expertise to provide effective oversight of and advice about internal audit activities and services.
- (3) If an audit committee has been established, the audit committee shall:
 - (a) appoint, evaluate, and, if necessary, remove the agency internal audit director;
 - (b) prepare and adopt formal policies that define:
 - (i) the purpose of the agency's internal audit program; and
 - (ii) the authority and responsibility of the agency's internal auditors;
 - (c) ensure that policies adopted under Subsection (3)(b):
 - (i) do not place limitations on the scope of the internal audit program's work; and
 - (ii) clarify that an auditor does not have authority or responsibility for an activity that the auditor audits;
 - (d) ensure that:
 - (i) the audit director employs a sufficient number of professional and support staff to implement an effective internal audit program;
 - (ii) compensation, training, job tenure, and advancement of internal auditing staff is based upon job performance;
 - (iii) the audit director and staff collectively possess the knowledge, skills, and experience essential to the practices of the profession and are proficient in applying internal auditing standards, procedures, and techniques;
 - (iv) the internal audit program has employees who are qualified in disciplines necessary to meet the audit responsibilities, including accounting, business management, public administration, human resource management, economics, finance, statistics, electronic data processing, or engineering;
 - (v) internal audit staff are free of operational and management responsibilities that would impair their ability to make independent audits of any aspects of the agency's operations;
 - (vi) the audit director and the internal audit staff have access to all personnel and records, data, and other agency information that the audit director or staff consider necessary to carry out their assigned duties; and
 - (vii) that the audit director and the director's employees have the necessary access to the agency head, agency management, and agency staff;
 - (e) consent to the internal auditing policies proposed by the agency head;
 - (f) review and approve the annual internal audit plan, modifications to the internal audit plan, risk assessment, and budget;
 - (g) review internal and external audit reports, follow-up reports, and quality assurance reviews of the internal audit office; and

- (h) periodically meet with the agency internal audit director to discuss pertinent matters, including whether there are any restrictions on the scope of audits.

Amended by Chapter 433, 2014 General Session

63I-5-302 Agency head -- Powers and duties.

If an agency has an internal audit program, and the agency's appointing authority has not established an audit committee, the agency head shall assume the audit committee powers and duties described in Subsection 63I-5-303(3).

Repealed and Re-enacted by Chapter 433, 2014 General Session

Part 4 Duties of Director

63I-5-401 Duties and powers of the agency internal audit director.

- (1) The agency internal audit director shall:
 - (a) furnish independent analyses, appraisals, and recommendations that may, depending upon the audit scope, identify:
 - (i) the adequacy of the state agency's systems of internal control;
 - (ii) the efficiency and effectiveness of agency management in carrying out assigned responsibilities; and
 - (iii) the agency's compliance with applicable laws, rules, and regulations;
 - (b) submit audit reports directly to the agency head and to the audit committee, if one has been established;
 - (c) conduct internal audits of state agency programs, activities, and functions that may consist of one or more of the following objectives:
 - (i) to verify the accuracy and reliability of agency records;
 - (ii) to assess compliance with management policies, plans, procedures, and regulations;
 - (iii) to assess compliance with applicable laws, rules, and regulations;
 - (iv) to evaluate the efficient and effective use of agency resources; and
 - (v) to verify the appropriate protection of agency assets;
 - (d) prepare audit reports of findings;
 - (e) review and evaluate internal controls over the state agency's accounting systems, administrative systems, electronic data processing systems, and all other major systems necessary to ensure the fiscal and administrative accountability of the state agency;
 - (f) develop audit plans containing the information required by Subsection (2) to be based on the findings of periodic risk assessments;
 - (g) upon request, make a copy of the approved audit plan available to the state auditor, legislative auditor, or other appropriate external auditor to assist in planning and coordination of any external financial, compliance, electronic data processing, or performance audit;
 - (h) determine the scope and assignment of the audits;
 - (i) perform an audit of a special program, activity, function, or organizational unit at the direction of the agency head or, if one has been established, an audit committee;
 - (j) maintain the classification of any public records consistent with Title 63G, Chapter 2, Government Records Access and Management Act;

- (k) be subject to the same penalties as the custodian of those public records for violating Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (l) identify in the audit report any abuse, illegal acts, errors and omissions, or conflicts of interest.
- (2)
- (a) The audit plan required by this section shall:
 - (i) identify the individual audits to be conducted during each year;
 - (ii) identify the related resources to be devoted to each of the respective audits;
 - (iii) ensure that internal controls are reviewed periodically as determined by the agency head or the audit committee, if one has been established; and
 - (iv) ensure that audits that evaluate the efficient and effective use of agency resources are adequately represented in the plan.
 - (b) The agency internal audit director shall submit the audit plan to the agency head and the audit committee, if one has been established, for approval.
- (3) The agency internal audit director shall ensure that:
- (a) all reports of audit findings issued by internal audit staff shall include a statement that the audit was conducted according to the appropriate standards;
 - (b) public release of reports of audit findings comply with the conditions specified by the state laws and rules governing the state agency;
 - (c) copies of all reports of audit findings issued by the internal audit staff are available, upon written request, to the Offices of the Legislative Auditor General and the Office of the State Auditor; and
 - (d) significant audit matters that cannot be appropriately addressed by the agency internal audit office are referred to either the Office of Legislative Auditor General or the Office of the State Auditor.
- (4) The agency internal audit director may contract with consultants to assist with audits.

Amended by Chapter 433, 2014 General Session